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January 15, 2008

BY FACSIMILE (212) 805-7942

The Honorable Alvin K. Hellerstein
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

So ordered
1-15-08
[Signature]

Re: Darryl Petteway v. City of New York, et al., 07 Civ. 11329 (AKH)

Your Honor:

I am Senior Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, representing defendant Police Commissioner Raymond Kelly in the above-referenced matter. I write with respect to the above-referenced matter in which plaintiff alleges that his constitutional rights were violated by defendants. Defendant City respectfully requests an extension of time to answer or otherwise respond to this complaint from January 27, 2008 until March 7, 2008, which is the date that the Court has approved for defendant City of New York to answer as well. Plaintiff has consented to this request for an extension of time.


There are several reasons for seeking an enlargement of time in this matter. In accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, we need time to investigate the allegations of the complaint. Furthermore, it is our understanding that the records of the underlying criminal actions, including police records, may have been sealed pursuant to New York Criminal Procedure Law § 160.50. Therefore, this office is in the process of forwarding to plaintiff for execution authorizations for the release of sealed arrest and criminal prosecution records so that defendant can access the information, properly assess the case, and respond to this complaint.

No previous request for an extension has been made by Police Commissioner Raymond Kelly. Accordingly, we respectfully request that defendant Police Commissioner

Raymond Kelly's time to answer or otherwise respond to the complaint be extended to March 7, 2008.

Thank you for your consideration herein.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark D. Zuckerman". The signature is fluid and cursive, with the first name "Mark" being more prominent.

Mark D. Zuckerman
Senior Counsel

cc: John Ware Upton, Esq. (Via Facsimile)